



DECISIONS, NOTICES AND ORDERS

Friday, September 2, 2016

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

REHEARINGS

The Court took the following action on petitions for rehearing:

Elizabeth Chichester, et al. v. Posey Gene Cook, et al., No. 15-0657 (Wyoming 12-C-37)
Petition refused (5-0)

Bonita Redd v. McDowell County Board of Education and WV Department of Education,
No. 15-0566 (McDowell 13-C-19)
Petition refused (4-0) (Justice Workman disqualified)

Mark B. Shaffer v. Deanna L. Shaffer, No. 15-0860 (Jackson 13-D-117)
Petition refused (5-0)

State of West Virginia v. Denny Franklin Ervin, No. 14-0919 (Preston 12-F-85)
Petition refused (5-0)

Frederico M. Hatcher v. David Ballard, Warden, No. 15-0414 (Cabell 15-C-208)
Petition refused (5-0)

In Re: C.D., A.D., and K.D., No. 15-0823 (Wayne 14-JA-17, 18, 19)
Petition refused (5-0)

State of West Virginia v. Georgiana Ciavarello, No. 15-0216 (Kanawha 11-F-369)
Petition refused (5-0)

John Bradley Midkiff, et al. v. Shepherd University, et al., No. 15-0436 (Jefferson 14-C-47)
Petition refused (4-1) (Justice Loughry)

State of West Virginia v. Stephen H., No. 15-0801 (Preston 13-F-65)
Petition refused (5-0)

Pamela Jean Hayes v. Larry Brady, No. 15-0518 (Upshur 14-C-123)
Petition refused (4-1) (Chief Justice Ketchum)

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State of West Virginia v. Jesse Lee Heater, No. 15-0343 (Upshur 13-F-21)
Petition refused (5-0)

Timothy O'Dell v. Marvin Plumley, Warden, No. 15-0442 (Berkeley 14-C-225)
Petition refused (5-0)

Frank D. v. David Ballard, Warden, No. 15-1120 (Fayette 15-C-195)
Petition refused (5-0)

Robert M. v. David Ballard, Warden, No. 14-1315 (Upshur 12-C-87)
Petition refused (5-0)

State of West Virginia v. Oscar Combs, Sr., No. 15-0405 (Mercer 14-F-141)
Petition refused (5-0)

Wade Painter v. David Ballard, Warden, No. 15-0540 (Berkeley 09-C-573)
Petition refused (4-1) (Justice Loughry)

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered
in the following cases:

Douglas L. Stolipher v. Estate of Charles A. Rocheleau, deceased, by Charles A. Belisle, Executor,
No. 15-0862 (Jefferson 14-C-367)
Affirmed (5-0)

State of West Virginia v. Harvey Lee Davis, No. 15-0744 (Greenbrier 13-F-68, 13-F-150)
Affirmed (5-0)

Dennis L. Sampson, Jr. v. David Ballard, Warden, No. 15-0446 (Mercer 15-C-135)
Affirmed (5-0)

Timothy Stewart v. Patrick Mirandy, Warden, No. 15-0609 (Mercer 15-C-80)
Affirmed (5-0)

Charles V. Ballard v. Bren J. Pomponio, No. 15-0738 (Kanawha 15-C-897)
Affirmed (4-0) (Justice Benjamin disqualified.)

State of West Virginia v. Eric Paul Minda, No. 15-1000 (Ohio 03-F-27)
Affirmed (5-0)

Peter Demetriades v. WV Office of the Insurance Commissioner, No. 15-1004
(Kanawha 13-AA-62)
Affirmed (5-0)

Richard Gravely v. Keri Wilson and Erie Insurance Property & Casualty Company, No. 15-1110
(Kanawha 15-C-1527)
Affirmed (5-0)

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Dennis Burch v. Marvin Plumley, Warden, No. 15-1091 (Kanawha 14-P-613)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on
the date stated:

SER D.G. v. Hon. Joanna Tabit, Judge, and M.G., No. 16-0555 (Original Prohibition)
September 13, 2016

SER Betty Almond, et al. v. Hon. Rudolph Murensky, Judge; and Pfizer, Inc., No. 16-0607
(Original Prohibition)
October 4, 2016

Garry Thomas v. Archie Houck, No. 15-1205 (Berkeley 14-C-220)
October 5, 2016

State of West Virginia v. Robert Hernandez, Jr., No. 15-0538 (Monongalia 14-F-314)
October 11, 2016

Monica Boggs v. Lori Nohe, Warden, No. 15-1001 (Berkeley 13-C-321)
October 25, 2016

Raymond Pratt v. David Ballard, Warden, No. 15-1157 (Marion 12-C-415)
October 25, 2016

G&G Builders, Inc. v. Randie Gail Lawson and Deanna Dawn Lawson, No. 15-0920
(Cabell 14-C-250)
November 1, 2016

Cred-X v. Cabell-Huntington Hospital, Inc., No. 15-1056 (Kanawha 06-C-1209)
November 1, 2016

John Straley v. Putnam County Board of Education, No. 15-1207 (Kanawha 14-AA-91)
November 1, 2016

Donna Fridley v. Jack Plum, No. 15-1140 (Tucker 14-D-14)
November 1, 2016

Citibank, N.A. v. Robert S. Perry, No. 15-1121 (Boone 10-C-218)
November 1, 2016

Braxton Lumber Co., Inc. v. Lloyd's Inc., No. 15-0993 (Braxton 07-C-121)
November 1, 2016

State of West Virginia v. Robert H., No. 14-0889 (Gilmer 12-F-26)
November 1, 2016

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RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument
on the date stated:

Eric Wells v. Charles Miller, Prosecuting Attorney, No. 16-0779 (Kanawha 16-P-364)
September 7, 2016

SER Pressley Ridge, et al. v. WV Department of Health and Human Resources, No. 16-0738
(Original Mandamus)
October 25, 2016

Martin Distributing Company, Inc., et al. v. Mark W. Matkovich, State Tax Commissioner,
No. 15-0842 (Berkeley 14-AA-7)
and
Brown Funeral Home, Inc., et al. v. Mark W. Matkovich, State Tax Commissioner,
No. 15-0857 (Berkeley 14-AA-8)
and
Louis Larrow v. Mark W. Matkovich, State Tax Commissioner,
No. 15-0867 (Jefferson 14-AA-8)
and
David Hammer, et al. v. Mark W. Matkovich, State Tax Commissioner,
No. 15-0869 (Jefferson 15-AA-1)
Consolidated — October 25, 2016

Mark W. Matkovich, State Tax Commissioner v. CSX Transportation, Inc., No. 15-0935
(Kanawha 15-AA-36)
October 25, 2016

State ex rel. Pamela Jean Games-Neely, Prosecuting Attorney v. Hon. John C. Yoder,
Judge, No. 16-0505 (Original Prohibition)
and
State ex rel. Pamela Jean Games-Neely, Prosecuting Attorney v. Hon. John C. Yoder,
Judge, No. 16-0506 (Original Prohibition)
Consolidated — October 25, 2016

Kennita L. Thomas and the WV Human Rights Commission v. TRG Customer Solutions, Inc.,
No. 16-0164 (Kanawha 15-AA-100)
October 25, 2016

ORDERS

Orders of note were entered in the following cases:

Lawyer Disciplinary Board v. Keith J. Pappas, No. 15-0569 (Lawyer Disciplinary)
No violation of Rules of Professional Conduct — charges dismissed (5-0)

Lawyer Disciplinary Board v. Amber L. Hanna, No. 16-0178 (Lawyer Disciplinary)
License to practice law suspended for one year with conditions. (5-0)

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SER Office of Disciplinary Counsel v. Benjamin F. White, No. 16-0411
(Lawyer Disciplinary)

Rule to show cause issued returnable October 25, 2016, unless sooner mooted.

Luis B. v. Linda B., No. 16-0303 (Cabell 13-D-438)
Motion to stay granted. (5-0)

SER Joseph Fanjul v. Hon. Thomas A. Bedell, Judge; and the Town of Anmoore,
No. 16-0627 (Original Prohibition)
Petition refused (5-0)

Liberty Mutual v. Ashley and Rick Ebbert, No. 16-0642 (Ohio 03-C-505)
Motion to stay granted, in part. (5-0)